

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74240 of 2018

Arising Out of PS. Case No.-1694 Year-2015 Thana- COMPLAINT CASE District- Araria

Md. Masikur Rahman @ Masek Son of Md. Abuzar, Resident of Village-Dhama, Police Station-Raniganj, District-Araria.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Bibi Rubi, Wife of Masikur Rahman, D/o Md. Giasuddin, Resident of Village- Maskoori Rajokhar, Police Station-Araria R.S. District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anamul Haque

For the Opposite Party/s : Mr.Sri Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 04-04-2019 Heard learned counsel for the petitioner and the State.

The petitioner, being the husband of the complainant, is apprehending his arrest in connection with Complaint Case No.1694 of 2015 registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition of Bibi Rubi submitted to the Chief Judicial Magistrate, Araria is to the effect that the marriage of the complainant was performed with the petitioner about seven years prior to



the lodging of the complaint. But, subsequent to the marriage, further demand of buffalo and a motorcycle was made and due to non-fulfillment of the same, torture was inflicted upon the complainant by the petitioner and other in-law family members. On 19.06.2015, the accused persons assaulted the complainant and snatched her belongings and drove her out from matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and he is ready to keep her as wife with full dignity and honour, though the statement to that effect has been made in paragraph no.11 of the bail petition which is as follows :-

11. "That the petitioner is ready to keep his wife with full honour and dignity."

The learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner. However, she is ready to make effort to get the issue reconciled.

Considering the present stand of the parties, keeping in view the fact that the same will at present save the complaint



from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner be released on provisional anticipatory bail for six months on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Araria in connection with Complaint Case No.1694 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Let the learned Court below issue notice to the complainant and on her appearance on 15th April, 2019, the petitioner will take her to keep as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities, (i) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned Court below, or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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